

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

TIMOTHY FINLEY,

Plaintiff,

v.

MANDI SALMI, et al.,

Defendants.

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Case No. 2:17-cv-149

HONORABLE PAUL L. MALONEY

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants Robert Napel, Paul Eyke, and Mandi Salmi filed a motion to dismiss on the grounds of qualified immunity. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on October 1, 2018, recommending that this Court grant the motion in part and deny the motion in part.<sup>1</sup> The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 58) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion to Dismiss on the Grounds of Qualified Immunity (ECF No. 33) is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED with regard to Defendant Eyke, Plaintiff's claims for injunctive relief against Defendants Salmi and Napel, and his procedural due process and substantive due process claims

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<sup>1</sup> The Court notes that an Order consolidating this case with 2:17-cv-159, *Finley v. Steve Mleko, et al*, issued on October 16, 2018, after the instant motion and Report and Recommendation were filed.

against Defendant Salmi. The motion is DENIED as to Plaintiff's claims for monetary damages against Defendants Salmi and Napel for alleged Eighth Amendment violations.

Dated: November 5, 2018

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge